



# TOLL BRIDGE PROGRAM OVERSIGHT COMMITTEE

CALTRANS BAY AREA TOLL AUTHORITY CALIFORNIA TRANSPORTATION COMMISSION

## TBPOC CONFERENCE CALL MINUTES

October 25, 2006, 3:00 PM – 4:30 PM

**Participants:** TBPOC Members: Will Kempton, Steve Heminger, and John Barna;  
PMT Members: Tony Anziano, Andy Fremier, and Stephen Maller;  
Other Participants: Michele DiFrancia, Beatriz Lacson, Rick Land  
Brian Maroney, Rod McMillan, Bijan Sartipi

Convened: 3:04 PM

Items	Action
<b>1. CHAIR'S REPORT</b> <ul style="list-style-type: none"><li>The Chair gave an update on efforts to educate and inform the public on Proposition 1B, the \$20 billion transportation bond proposal.</li></ul>	
<b>2. CONSENT CALENDAR</b> <ul style="list-style-type: none"><li>a) BATA presented the September 29, 2006 Meeting Minutes for approval.</li></ul>	<ul style="list-style-type: none"><li>The TBPOC <b>APPROVED</b> the September 29, 2006 Meeting Minutes.</li></ul>
<b>3. MONTHLY PROGRESS REPORT</b> <ul style="list-style-type: none"><li>a) BATA presented the draft October 2006 Monthly Progress Report for information.<ul style="list-style-type: none"><li>TBPOC approval through their respective PMT members is anticipated early next week after appropriate reviews and final comments are incorporated.</li></ul></li><li>The timing of the issuance of the monthly (Nov 1<sup>st</sup>) and quarterly (Nov 13<sup>th</sup>) reports and possibility of inconsistent data between the two was noted.<ul style="list-style-type: none"><li>The Chair reiterated a</li></ul></li></ul>	<ul style="list-style-type: none"><li>For the record, it was reported that the TBPOC <b>APPROVED</b> the September 2006 Monthly Progress Report through their respective PMT representatives on October 3, 2006.</li><li>The TBPOC restated its delegation of approval to the PMT for the monthly reports with the October Monthly Progress Report.</li><li>Staff to coordinate with Brian Mayhew any new information disseminated during the "bond issuance lockdown period" related to the State Payment Acceleration notes.</li></ul>

(continued)

Items	Action
<p>previous Committee agreement that the Quarterly Report should reflect only items through the end of the quarter; any deviations from this and discrepancies with the Monthly Progress Report should be highlighted in the cover letter.</p> <ul style="list-style-type: none"><li>• Executive Summary forecast information was discussed.<ul style="list-style-type: none"><li>○ Questions on the Program Contingency figures were clarified.</li><li>○ It was pointed out that Risk Management figures for some projects, such as the SAS, do show some savings a year away but are not currently reflected in the forecast.</li></ul></li><li>• A concern regarding a T1 contract rock socket Issue/Mitigating Action on Page 17 was brought up. The Department assured the Committee that they are taking a pro-active position on this high-risk activity to ensure no mistakes are made, and are fully confident that the right people and equipment are in place to make certain of this.<ul style="list-style-type: none"><li>○ No change in cost or schedule forecast is warranted.</li></ul></li></ul>	<ul style="list-style-type: none"><li>• The TBPOC suggested adjusting the forecast if the Department is confident with the published Engineer's Estimate, to minimize discrepancies in the reports.</li></ul>
<p><b>4. QUARTERLY REPORT</b></p> <p>a) The Department gave an update on the 3<sup>rd</sup> Quarter Report ending September 30, 2006.</p> <ul style="list-style-type: none"><li>• Comments have been received including those from both Caltrans Headquarters and Agency.</li><li>• October 16 was last edit; there is still time to make changes.</li><li>• The question was asked if the report was sent to the Governor's office at the same time it went to Agency.<ul style="list-style-type: none"><li>○ This practice would alert</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Staff to check whether the report was sent to the Governor's Office.</li></ul>

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Items	Action
<p>the Governor's Office of revisions well in advance.</p> <p>b) The Department presented the following budget and forecast revisions for TBPOC approval; to be reflected in the 3<sup>rd</sup> Quarter Report ending September 30, 2006:</p> <ul style="list-style-type: none"> <li>• <u>Richmond-San Rafael Bridge Seismic Retrofit Project (RSRB SRP)</u>: Transfer \$89 million in cost savings from the project to the Seismic Retrofit Program (SRP) Contingency. <ul style="list-style-type: none"> <li>○ The TBPOC was assured enough funds were retained in the approved RSRBSRP budget to cover the Public Access Project, closeout costs, additional environmental mitigation concerns as they arise, including the ongoing discussion with Fish and Game (which has been forwarded to the Office of the Secretary for resolution).</li> </ul> </li> <li>• <u>Oakland Touchdown (OTD) No. 1</u>: Revise forecast to \$226.5 million to reflect the estimate in the PS&amp;E approved by the TBPOC on September 29<sup>th</sup>.</li> <li>• <u>South-South Detour</u>: Revise forecast to \$152.2 million to include the Probable Risk Management cost of \$51.5 million identified in the Third Quarter Risk Management Report as having a "High" to "Very High" probability of occurring within a year. This is in keeping with the TBPOC-approved protocol for revisions to forecast cost data.</li> </ul>	<ul style="list-style-type: none"> <li>• The TBPOC <b>APPROVED</b> the budget change for Richmond-San Rafael Bridge Seismic Retrofit Project with a transfer of \$89 million in project cost savings to the SRP Contingency.</li> <li>• The TBPOC <b>APPROVED</b> revising the OTD No. 1 forecast to \$226.5 million.</li> <li>• The TBPOC <b>APPROVED</b> revising the SSD forecast to \$152.2 million.</li> </ul>
<p><b>5. OAKLAND TOUCHDOWN (OTD)</b></p> <p>a) The Department gave a verbal update on the Submarine Cable Contract.</p>	

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Items	Action
<ul style="list-style-type: none"><li>• The situation is changing on a daily basis; determination made about a week ago that contract would not be awarded due to the following:<ul style="list-style-type: none"><li>1) Funds are not available;</li><li>2) Specification of 15 years experience for all aspects of the project, i.e., cable production, cable laydown and the actual prime contractor responsible. This created an overly restrictive bidding environment resulting in a non-competitive situation, as evidenced by the lone bid received from CEC (who has been duly notified).</li></ul></li><li>• The Department is trying to get the quickest turnaround to get the contract out that will continue to allow the possibility of two cables being constructed consistent with the desires of the City of San Francisco, with a fall back in the event another high bid comes in and it is clear that two cables cannot be awarded.</li><li>• If the Department cannot get a contract out in the next couple of weeks within the environmental window that provides a mechanism for two distinct bids (additive bidding), a quarter of a year's delay is envisioned.</li><li>• The Office of the Engineer is aware of this situation. With all resources being utilized to this end, there is a real chance of getting a new bid package out very quickly with an optional contract within the environmental window.</li><li>• BATA Executive Director provided an update of their meeting today which had this subject on the agenda.<ul style="list-style-type: none"><li>○ There was media discussion on a potential delay to the Bay Bridge;</li></ul></li></ul>	<ul style="list-style-type: none"><li>• The Department (Rick Land) to specifically impress upon the Office of the Engineer the need to focus on allowing no delays on this project.</li></ul>

(continued)

Items	Action
<ul style="list-style-type: none"> <li>○ The question as to whether the team is geared up for a unified response to a media reaction was asked.</li> <li>○ It was made clear to the Commission that the Program is not in a place where delay can be overcome without solutions such as an OTD work-around.</li> <li>○ Approval to re-advertise the bid has been delegated to the Executive Director of BATA.</li> <li>○ It is hoped that the contract is awarded at estimate to avoid the need to go back to BATA for additional funds.</li> <li>○ It was noted that if the whole San Francisco/PG&amp;E overlay did not exist, it would be a much smoother process.</li> <li>• As a lesson learned, there is a need to be alert to implications the Commissioners may take from what the TBPOC tells them, so that they do not suffer a loss of trust and credibility. <ul style="list-style-type: none"> <li>○ The Chair offered to attend with CTC member the next BATA meeting to shore up the credibility of the TBPOC.</li> </ul> </li> <li>• The following points were brought up: <ul style="list-style-type: none"> <li>○ The Department is doing everything quickly and effectively, making sure resources are in place to avoid any delays.</li> <li>○ Be mindful that even if the next bid goes right</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Staff to follow up response to possible media coverage of potential delay after the meeting.</li> <li>• The TBPOC suggested that the Commissioners be made aware that the TBPOC, not just staff, is looking at the situation from several angles, and to reinforce that impression.</li> </ul>

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Items	Action
<p>and gets awarded, an OTD work-around might be necessary which would increase cost.</p> <ul style="list-style-type: none"><li>○ It was explained that the OTD No. 1 request to BATA in November will not include the work-around provision, and would require an addendum as a remedy.</li><li>○ It was noted that work-arounds with utility relocation is relatively standard and fairly common.</li><li>○ Although if work-around not specified in the contract, it could be a delicate situation as in a case where a Contractor may premise his entire bid to a particular approach to construction which might be impacted by the cable relocation, and so on.</li></ul> <ul style="list-style-type: none"><li>• The need to make some changes to the process to accommodate this type issues on a mega project such as this was noted.</li><li>• The strategy for the OTD No. 1 PS&amp;E BATA approval in November was brought up and briefly discussed.<ul style="list-style-type: none"><li>○ There will be no request for allocation until the bid is obtained;</li><li>○ Develop a script on how it is going to happen; show how cable relocation fits into the jigsaw puzzle; forecast higher cost;</li><li>○ Keep on track and make sure story is consistent.</li></ul></li></ul>	

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Items	Action
<p><b>6. Other Business</b></p> <ul style="list-style-type: none"><li>• A face-to-face between members of the TBPOC and PMT is postponed for next month.</li><li>• The TBPOC is open to meeting with the PMT before or after their formal meeting on a regular basis, perhaps quarterly or bi-annually.</li><li>• A non-meeting setting was suggested, to discuss face-to-face with the PMT any or all issues, e.g.,<ul style="list-style-type: none"><li>○ Look for ways to accelerate this project; any opportunity to do things differently to move this project forward should be given full and careful consideration and should be pursued; saving time on the East Span is Job One.</li><li>○ The Committee would like an explanation as to why it is taking so long to build this project; how the schedule fits together.</li></ul></li><li>• The Department brought up, for information only, the annual update to the financial plan as being due to FHWA on Nov. 15. The FHWA will not accept a copy of the Quarterly Report as meeting their requirement for an annual update to the financial plan. What is required to comply with this request was discussed.<ul style="list-style-type: none"><li>○ This is another opportunity to publish numbers and review is essential.</li><li>○ Have a TBPOC conference call if required to make sure the Committee is clear with what is being</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Have Staff come back with suggestions on how to present this explanation formally or in a face-to-face session; use the model that the Committee went through for the Oakland Touchdown.</li><li>• The Department (Rick Land) to ascertain the schedule when input is required and build in the PMT and TBPOC review.<ul style="list-style-type: none"><li>○ The Department may need to request an extension in order to achieve proper reviews.</li></ul></li><li>• The PMT to review submittal to FHWA at its meeting next Monday.</li></ul>

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Items	Action
<p>sent to FHWA.</p> <ul style="list-style-type: none"><li>The PMT indicated that they need more time to be brought up to speed on the Capital Outlay Support (COS) and requested that the overview presentation be delayed another month.</li><li>The next TBPOC meeting has been re-scheduled to November 21<sup>st</sup> in Oakland.</li></ul>	<ul style="list-style-type: none"><li>The TBPOC agreed to defer the COS Overview presentation another month.</li></ul>

Adjourned: 4:02PM


### TBPOC CONFERENCE CALL MINUTES

October 25, 2006, 3:00 PM – 4:30 PM

#### APPROVED BY:

  
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**WILL KEMPTON**, Director  
California Department of Transportation

11/30/06  
\_\_\_\_\_  
Date

  
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**JOHN F. BARN, Jr.**, Executive Director  
California Transportation Commission

12/1/06  
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Date

  
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**STEVE HEMINGER**, Executive Director  
Bay Area Toll Authority

11/22/06  
\_\_\_\_\_  
Date





# TOLL BRIDGE PROGRAM OVERSIGHT COMMITTEE

CALTRANS BAY AREA TOLL AUTHORITY CALIFORNIA TRANSPORTATION COMMISSION

## TBPOC CONFERENCE CALL MINUTES

November 7, 2006, 2:00 PM – 2:30 PM

**Participants:** TBPOC Members: Will Kempton, Steve Heminger, and John Barna;  
PMT Members: Tony Anziano, Andy Fremier, and Maura Twomey for  
Stephen Maller; Other Participants: Jose Aguirre, Francis Chin, Randy  
Iwasaki, Beatriz Lacson, Peter Lee

Convened: 2:22 PM

Items		Action
1.	<b>Oakland Touchdown (OTD) - Submarine Cable Relocation Contract</b> <ul style="list-style-type: none"><li>The Department reported that Staff met yesterday, November 6.<ul style="list-style-type: none"><li>specifications for the revised contract for the additive bid have been defined;</li><li>all comments have been received;</li><li>the contract is ready to list today,</li><li>advertise on Monday, November 13, and</li><li>is set for a bid opening date of December 14.</li></ul></li><li>While the PMT was in general concurrence with the contract's technical specifications, BATA had concerns about the "additive" bid process and raised the possibility of employing another contract procurement method including a "two-contract" approach – for one cable and for two cables, award to affordable bid, and offer stipend to 3 lowest bidders.</li></ul>	<ul style="list-style-type: none"><li>The TBPOC decided not to proceed with the additive bidding process.<ul style="list-style-type: none"><li>Cancel the Nov. 13 advertising of the revised contract.</li></ul></li></ul>

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Items	Action
<ul style="list-style-type: none"><li>• A brief discussion arose on the following:<ul style="list-style-type: none"><li>○ pros and cons of the two options;</li><li>○ time concerns;</li><li>○ Legal Counsels' opinion;</li><li>○ effectiveness of the work process, i.e., the collaborative effort to come to a resolution and proceed with the best approach; and</li><li>○ availability of adequate information on which the TBPOC can base their decision.</li></ul></li></ul>	<ul style="list-style-type: none"><li>• The TBPOC requested that the PMT:<ul style="list-style-type: none"><li>○ further develop/define available options,</li><li>○ present a comparative analysis, and</li><li>○ submit a recommendation to the TBPOC as soon as possible.</li></ul></li></ul>

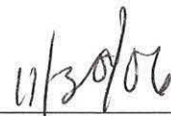
Adjourned: 2:57 PM

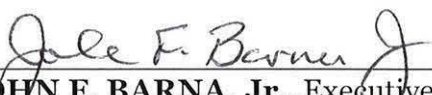
### TBPOC CONFERENCE CALL MINUTES


November 7, 2006, 2:00 PM – 2:30 PM

#### APPROVED BY:


  
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**WILL KEMPTON**, Director  
California Department of Transportation

  
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Date

  
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**JOHN F. BARN, Jr.**, Executive Director  
California Transportation Commission

  
\_\_\_\_\_  
Date

  
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**STEVE HEMINGER**, Executive Director  
Bay Area Toll Authority

  
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Date